



The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

January 21, 2005

**CERTIFIED MAIL**  
**7000 1670 0001 2915 7523**  
**RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY**  
**No. WMD 05-04**

Draper Energy Co., Inc.  
P.O. Box 419  
Wilton, NH 03086

Attn: Stuart Draper, Owner

**Re: Draper Energy Co., Inc.**  
**148 Main St.**  
**Wilton, New Hampshire**  
**EPA ID # NHD048659098**

Dear Mr. Draper:

On February 18, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Draper Energy Co., Inc. ("Draper") in Wilton, NH. The purpose of the inspection was to determine Draper's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1. Env-Wm 502.01 – Hazardous Waste Determination

At the time of inspection, Draper was manifesting "gasoline and water" as a "D001/D018" hazardous waste and was not managing the hazardous waste gasoline and water according to the requirements of the Hazardous Waste Rules.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Draper manage the hazardous waste gasoline and water according to the rules of Env-Wm 500, including, but not limited to:

- a. The Environmental and Health Requirements specified in Env-Wm 506;

- b. The Storage Requirements specified in Env-Wm 507.01;
- c. The Storage Time Requirements specified in Env-Wm 507.02;
- d. The Packaging/Labeling/Pre-transport Requirements specified in Env-Wm 507.03;
- e. Full Quantity Generator requirements, as specified in Env-Wm 509; and
- f. The Delivery Requirements specified in Env-Wm 511.01.

**Alternatively, Draper may handle the gasoline and water as an off-specification commercial chemical product instead of handling it as a hazardous waste. The gasoline and water mixture is considered an off-specification product and is excluded from being a solid waste when it is recovered and used as a fuel. Therefore, fuel and water mixtures generated as a result of fuel management activities may be managed as an off-specification commercial chemical product and not as a hazardous or solid waste provided that the mixture only contains fuel and water, and the fuel portion is legitimately reclaimed and used as a commercial fuel. Enclosed please find the DES Environmental Fact Sheet # WMD-HW-30 "Management of Fuel and Water Mixtures" to aid you in determining how to properly handle this material as an off-specification commercial chemical product.**

**If these mixtures are not managed as off-specification commercial chemical products, they are considered wastes. The *Hazardous Waste Rules* require that all generators of waste determine if their waste is a hazardous waste. Wastes determined to be hazardous must be handled pursuant to the requirements of the *Hazardous Waste Rules*.**

2. Env-Wm 504.02(d) - Generator Notification

At the time of the inspection, Draper had generated sufficient volumes of hazardous waste to meet the criteria for designation as a Full Quantity Generator (FQG), although Draper had notified as a Small Quantity Generator (SQG).

Env-Wm 503.02 (a) states that "the department shall classify a generator as a full quantity generator if he/she generates equal to or greater than a total of 100 kilograms or 220 pounds of hazardous waste in any single month". Env-Wm 504.02(d) requires that a generator shall notify DES in writing of any changes to the information required in Env-Wm 504.02(b), including generator status, within 30 days of the effective date of the change.

DES requests that Draper re-notify DES as an FQG of hazardous waste. However, if the gasoline and water mixture is managed as an off-specification commercial chemical product, Draper will remain an SQG, and a subsequent notification will not be required.

3. Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, Draper was storing one (1) container of used oil destined for recycling, which was not labeled with the words "Used Oil for Recycle."

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requests that Draper label all containers of used oil destined for recycle with the words "Used Oil for Recycle" at all times during accumulation and storage.

4. Env-Wm 1114.04 - Labeling/Marking of Antifreeze

At the time of the inspection, one (1) 55-gallon container of universal waste antifreeze was not marked with the words "Universal Waste - Antifreeze," "Waste Antifreeze," or "Used Antifreeze."

Env-Wm 1114.04 requires universal waste handlers to ensure all container(s) holding waste antifreeze to be clearly labeled or marked with any of the following: "Universal Waste - Antifreeze," "Waste Antifreeze," or "Used Antifreeze."

DES requests that Draper clearly label or mark container(s) holding waste antifreeze with any of the following: "Universal Waste - Antifreeze," "Waste Antifreeze," or "Used Antifreeze."

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Draper can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Draper including issuing an order requiring that the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Robert Bishop, Waste Management Specialist  
DES/WMD  
P.O. Box 95  
Concord, New Hampshire 03302-0095



Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, the Division currently maintains a Hazardous Waste Assistance Hotline which is available for the public to contact our knowledgeable staff of hazardous waste inspectors. The hazardous waste staff members are available to answer questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program, including the administrative plans and documents required under the Hazardous Waste Rules. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets on specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policies, regulatory interpretation letters and networking with other state or federal agencies to answer any questions at a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll-free at (1-866) HAZ-WAST (in-state only) or at (603) 271-2942.

We regret the length of time taken to formally report our findings on your inspection but believe a careful review of all the hazardous waste issues involved regarding the gasoline and water mixture was required for the benefit of both Draper and DES. In fact, this inspection was one of a series of inspections conducted to better understand the current management of gasoline and water mixtures so that an appropriate policy could be established as seen through the attached fact sheet.

*DraperEnergy Co., Inc*  
*Letter of Deficiency No. WMD 05-04*  
*Page 5 of 5*

**DES**

Should you have any questions concerning this letter, or on the proper management of hazardous waste, please contact the lead inspector, Robert Bishop, or me, at (603) 271-2942. Thank you for your cooperation.

Sincerely,

~~COPY~~

John J. Duclos, Administrator  
Hazardous Waste Compliance Bureau  
Waste Management Division

cc: DB/RCRA/LOD/Archives  
Anthony P. Giunta, P.G., Director, WMD  
Gretchen Hamel, Administrator, DES Legal Unit

E-mail: JJD/SD

Enclosure: Hazardous Waste Generator Inspection Report  
DES Environmental Fact Sheet # WMD-HW-30 "Management of Fuel and Water Mixtures"  
Self Certification of Compliance